

SECTION 5.11 SHORT-TERM RENTAL HOUSING

- 5.11.010 Short-term Rental Housing is defined as a residential use in a dwelling unit designed for such use for periods of time less than 30 days. Short-term Rental Housing may be referred to as vacation rentals or resort dwelling units.
- 5.11.020 The use of a dwelling, *accessory dwelling, or a guest house* as Short-term Rental Housing requires Administrative Conditional approval as outlined in Section 2.06.045 except as otherwise noted as a permitted use in Chapter III – Establishment and Definition of Districts.
1. *No more than two Short-term Rental units per tract of record shall be established in AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1, R-2, R-3, RC-1, BS, AL, LBL, LL, LS, RL, and WV use districts.*
 2. *Two or more Short-term Rental units per tract of record may be established in R-4, R-5, RA-1, and B-5 use districts.*
- 5.11.030 Maximum occupancy shall be *set by* the sewage capacity as determined by the Flathead City-County Environmental Health Department, the applicable sewer district, *or the number of bedrooms in the dwelling(s), whichever is fewer.*
- 5.11.040 The applicant for Short-term Rental Housing approval is responsible for reviewing and adhering to all Covenants, Conditions, and Restrictions in place or any other Homeowner Association documents. Flathead County shall not be responsible for the determination as to compliance with such Covenants, Conditions, and Restrictions and shall have no duty to enforce them.
- 5.11.050 ~~No additional signage on the property is allowed other than typical address numbers.~~
Short-term rentals are allowed one sign to indicate a Short-term Rental operation. The signage must be located on the subject property.
1. *The sign shall be no larger than 1 square foot.*
 2. *Information displayed on the signage shall be limited to the name of the property owner, the property address, or the property management company associated with the Short-term Rental.*
- 5.11.060 The name and number of a local contact person or management company shall be provided with the Administrative Conditional Use application. This contact person or management company shall be available 24 hours a day, seven days a week, and be able to arrive at the subject property within one hour should there be an emergency or problem. The contact information for the local contact person or management company shall be sent via certified mail by the applicant to all property owners within 150 feet of the property applying for Short-term Rental Housing.
1. *Quiet hours shall be established by the property owner and approved by the Zoning Administrator.*

- A. *Quiet hours shall be enforced by the emergency contact, and the emergency contact shall be available to address and mitigate potential problems.*
- B. *Quiet hours/house rules shall be posted within the short-term rental and in any online advertising.*

5.11.070 All Short-term Rental Housing shall obtain a State of Montana Public Accommodation License for a Tourist Home. This license is administered by the Flathead City-County Health Department and is subject to annual inspections.

5.11.080 Short-term Rental Housing is subject to the State Bed Tax and the property owner is responsible for collecting the tax and conveying those monies to the State of Montana Department of Revenue.

5.11.090 The property being utilized as Short-term Rental Housing shall have adequate off-street parking spaces.

- 1. *A Short-term Rental within the principal dwelling must have a minimum of two (2) off-street parking spaces.*
- 2. *A Short-term Rental within the guest houses or accessory dwellings shall have a minimum of 2 (two) off-street parking spaces in addition to the requirements for the principal dwelling.*
- 3. *For dwellings with 4 bedrooms or more, one (1) additional off-street parking space is required.*

5.11.100 Should the ownership of the residence approved for Short-term Rental Housing change, the new owner(s) shall apply for an Administrative Conditional Use Permit in their name.

5.11.110 With the issuance of a Short-term Rental permit, the property owner/applicant shall receive a fire safety brochure from the Planning Office. The brochure will be conditioned to be posted on-site at the location of the short-term rental.

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5.11.120

The approval of an Administrative Permit for Short-term Rental Housing is subject to suspension or revocation should any of these standards and any additional conditions of approval not be met, or if there are *three separate verified violations of the permit conditions or criminal* ~~valid complaints of disturbances of the peace or health and safety~~ violations related to the operation of Short-term Rental Housing. ~~The decision to suspend or revoke an Administrative Conditional Use Permit shall be made after a hearing before the Flathead County Board of Adjustment and shall follow the procedures outlined in Section 2.06.040.~~

- 1. *If the Short-term Rental was approved administratively the Zoning Administrator has the right to suspend the Short-term Rental.*
 - A. *The suspension can be appealed to the Flathead County Board of Adjustment and shall follow the procedures outlined in Section*

2.04.020. The Flathead County Board of Adjustment can move to dismiss the suspension, uphold the suspension or revoke the permit.

- 2. If the short-term rental was approved by the Flathead County Board of Adjustments, the Zoning Administrator has the right to temporarily suspend the Short-term Rental pending a Board of Adjustment hearing.*
 - A. The process shall follow the procedures outlined in Section 2.04.020*
 - B. The Flathead County Board of Adjustment can move to impose a formal suspension, dismiss the suspension or revoke the permit.*